

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Gibbon Brothers
c/o Cheryl Ward Planning
5 Valley View
Ampleforth
York
YO62 4DQ

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The above named Authority being the Planning Authority for the purposes of your application validated 19 June 2018, in respect of proposed development for the purposes of **alterations and extensions to and change of use of building and land to business use (B2), creation of access/site road together with erection of boundary fence and associated landscaping works (part retrospective) at Manor Farm, Normanby**, has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development at Skelder View namely the change of use of the building and land to business use (B2) hereby permitted shall cease within 1 month of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 1 month of the date of this decision a timetable to complete the hereby approved scheme shall have been submitted for the written approval of the local planning authority.
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the timetable or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) the scheme hereby approved shall have been carried out and completed in accordance with the approved timetable.
2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 14, Classes J to O shall take place without a further grant of planning permission being obtained from the Local Planning Authority.



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Date ... **10 AUG 2018**

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0384/FL

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5. The premises shall not be used other than as Metal Fabrication and Engineering Workshop and shall not be used for any other purpose (including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
6. No machinery shall be operated on the premises before 08.00 hrs on weekdays and 09:00 hrs on Saturdays nor after 18:00 hrs on weekdays and 14:00 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
7. No deliveries shall be made to the premises hereby approved before 08.00 hours or after 18.00hrs on weekdays nor at any time on weekends or Bank Holidays without the prior written agreement of the Local Planning Authority.
8. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
9. Within 3 month of the date of this permission a scheme to limit noise transmission from machinery operated at the premises shall be submitted to the Local Planning Authority for approval in writing. The noise mitigation measures shall be designed to ensure that nuisance will not be caused to the occupiers of nearby residential accommodation from the proposed development. The noise mitigation measures shall be provided by a suitably qualified acoustic consultant/engineer and thereafter the operation of the site shall only take place when the agreed measures are in place.
10. No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
11. Within 1 month of the date of this permission a scheme for the upgrading of the access to the site must be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
All works shall accord with the approved details and carried out within 1 month of the date of their approval unless otherwise agreed in writing by the Local Planning Authority.
12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres measured along both channel lines of the major road A171 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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13. Within 1 month of the date of this permission full details of the following must be submitted to for the approval in writing by the Local Planning Authority in consultation with the Highway Authority:
 - i) vehicular accesses;
 - ii) vehicular turning arrangements;
 - iii) manoeuvring arrangements;
 - iv) loading and unloading arrangements.
14. Within 1 month of the date of the approval of condition 13 above the approved vehicle access, parking, manoeuvring and turning areas approved under condition 13:
 - i) shall have been constructed in accordance with the submitted drawing; and
 - ii) are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. Within 1 month of the date of this permission the details of the size and type of vehicle delivering and removing materials to the site for the purposes of the approved use shall be submitted to and approved in writing by the Local Planning Authority. The approved vehicle size and type shall be used in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
16. Within 1 month of the date of this decision details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for native screen planting along the south west boundary of the site and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the Local Planning Authority's decision, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
17. The timber fencing hereby approved shall be stained/painted dark brown/black and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority
18. Within 1 month of the date of this decision full details of the scheme to generate energy on site from renewable sources to displace or offset at least 10% of predicted CO² emissions must be submitted to for approval by the Local Planning Authority. The approved details and measures shall then be completed/planted within 7 months of the date of this permission and shall be maintained in working order/maintained unless the prior written agreement of the Local Planning Authority has been obtained.
19. Within 1 month of the date of this permission all obstructions to the Public Right of Way on the site shall be removed and no further obstruction of the Public Right of Way shall be caused or allowed.

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Informatives

1. In relation to condition 11 you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. In relation to condition 12 an explanation of the terms used above is available from the Highway Authority.
3. In relation to condition 14 the proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk
4. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 – 4. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
5. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
- 6 – 9. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

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10. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
11. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
12. In accordance with NYM Development Policy 23 and in the interests of road safety.
13. In accordance with NYM Development Policy 23 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
15. In accordance with NYM Development Policy 23 and in the interests of highway safety.
16. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
17. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
18. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
19. Within 1 month of the date of this permission all obstructions to the Public Right of Way on the site shall be removed and no further obstruction of the Public Right of Way shall be caused or allowed.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.